

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC. CIVIL APPLN.(CONTEMPT PETITION) No 724 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE S.M.SONI and  
MR.JUSTICE R.R.JAIN

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1. Whether Reporters of Local Papers may be allowed to see the judgements?No
2. To be referred to the Reporter or not? No
3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?No
5. Whether it is to be circulated to the Civil Judge?No

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BHADRABEN Y PANCHOLI

Versus

DHARMENDRA R MAHIDA

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Appearance:

MR RK MISHRA for Petitioners

MR KS JHAVERI for Respondent No. 1

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CORAM : MR.JUSTICE S.M.SONI and  
MR.JUSTICE R.R.JAIN

Date of decision: 23/08/96

ORAL JUDGEMENT(Per Soni, J.)

Petitioners have filed this application for taking action under the Contempt of Courts Act for non-compliance of the settlement dated 18.6.1989 whereby the respondent was required to pay arrears of salary. As same is not paid

the present application is filed.

The petitioners had earlier filed a contempt application being Misc. Civil Application No.508 of 1990 under the Contempt of Courts Act. That application was also for taking action for non-compliance of the settlement dated 18.6.1989. The petitioners have in terms stated in para 7 of the petition as under:

".....the petitioners had been given lot of benefits which they were entitled to get from the respondent authority by way of arrears and salary for the less paid amount, but only with a view to have the amicable relationship, they did not press for the same in view of the settlement. Now, they are without job, without salary and, therefore, this contempt of court proceedings for the act that is committed wilfully and deliberately by the respondent authority....."

When the alleged breach was the cause for earlier contempt application and when the same has been given up by the petitioners it cannot now be again a cause for fresh breach and a fresh action. This apart, for the breach of settlement of 18.6.1989 this application being barred by limitation cannot be entertained. This apart, it is clear from the averments in para 2 of the petition that the earlier settlement has been complied with. However, on closure of the school, the service of the petitioners appears to have been terminated. This being a fresh cause for some action after settlement, the breach thereof is not covered under settlement. Thus, this application cannot be entertained. In view of these facts, the application is liable to be dismissed and is hereby dismissed. Rule is discharged with no order as to costs.